

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
White River School District**

**Accountability Review - Monitoring Report 2011-2012**

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**Dates of On Site Visit:** November 14 and 15, 2011

**Date of Report:** December 12, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or

- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

#### **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:25:04 Evaluation Procedures-General.** School districts shall ensure, at a minimum, that the evaluation procedures include the following: (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child... (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified

<p><b>Prong 1:</b></p> <p>Through file reviews, the accountability team determined White River School did not evaluate in all areas of suspected disabilities in 7 files reviewed. The district either did not reevaluate prior to making a change in the student's disability category or evaluation was not sufficiently comprehensive to evaluate all the student's needs. The lack of considering and evaluating all the child's special education needs has resulted in the district having 76% of their special education students identified under the disability category of 525 (SLD) on the 2010 Child Count as compared to the state average of 40%.</p> <p>In another two files the district did not gather relevant functional, developmental, and academic information (skill based). The lack of skill based information affected the team's ability to establish prong 2 of eligibility, which is: does the child's disability adversely affect his/her performance in the general curriculum and does the child need a specially designed program.</p>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<p><b>Student File 1:</b></p> <p>Student was on 2010 Child Count under the disability category of 525 and was reevaluated in April 2011 in the areas of ability and achievement. The district did not consider the child's behavioral history or the 2008 medical diagnosis during this evaluation process. On May 16, 2011 the team changed the child's eligibility category to 530 (multiple disabilities of 525 and 555) without any evidence of a behavioral evaluation being conducted. Therefore district did not have evaluation to support the disability of 555. District did not obtain parental consent for a behavioral evaluation until May 23, seven days after the eligibility meeting date. As of today (November 15) there was no evidence in the file that the behavioral evaluation has been completed.</p> <p><b>Student File 2:</b></p> <p>Student was on 2010 CC under 570 and turned 6 in Feb. 2011. As</p>	<p>District special education staff will attend IEP training</p> <p>White River School District must reevaluate this child in all areas of disability including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p>	<p>District will report names of staff attending the training and the date of the training.</p> <p>The district will submit the following for each student (File 1,2, 3,5, 7, 14,15):</p> <ol style="list-style-type: none"> <li>1) Review of existing data form</li> <li>2) Prior Notice consent for evaluation</li> <li>3) All evaluation reports</li> <li>4) Prior Notice for eligibility and IEP meeting</li> <li>5) Eligibility document</li> <li>6) IEP</li> </ol>

<p>part of the September 2010 revaluation process prior to the student turning 6, the district got parental consent to evaluate the following areas: ability, achievement, behavior, speech and language. No behavior or skill based evaluations were conducted. Student was determined to be eligible under the disability category of 525. Because no skill based assessments were completed the IEP team did not have sufficient information to determine if the student met prong 2 of eligibility. According to the psychological evaluation report, the child's classroom teacher indicated the student was "doing well cognitively and socially".</p> <p><b>Student File 3</b> Upon the student turning 6 years old, the district reevaluated this student in the areas of behavior, ability and achievement in March 2011. The district evaluated in all three areas in which consent was received. On May 2011 the district determined child to be eligible under the disability category of 525. No behavior scores were noted on the eligibility document even though, according to the psychological report, the student scored "clinically significant" in four areas and the school psychologist recommended the district "consider further clinical evaluation (Child Psychiatrist)".</p> <p><b>Student File 5:</b> Student's 2011 IEP indicates student is a child with multiple disabilities. But evaluation does not support eligibility for this disability category. Student was evaluated only in the areas of ability, achievement, and adaptive behavior.</p> <p><b>Student File 7:</b> Student was evaluated in 2009 and was determined eligible under the disability category of 570. Prior to turning 6 years old there was no reevaluation conducted to determine if the child was eligible under any of the other 13 disability categories. The district simply changed disability categories from 570 to 525 without reevaluation. Therefore the child did not receive a comprehensive evaluation to determine eligibility upon turning 6 years old</p>	<p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p> <p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p> <p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p> <p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p>	
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<p><b>Student File 14:</b> Student was not reevaluated prior to turning 6 years. The district simply changed the disability category on the April 2011 from 570 to 525 without evaluation.</p>	<p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p>	
<p><b>Student File 15:</b> Student was on a 2010 IEP under the disability category of 555 and has had a history of behavioral concerns. But during the 2011 reevaluation the student was evaluated only in the areas of ability and achievement and determined to be eligible under the disability category of 525. Again, the district did not consider all suspected disabilities prior to evaluating.</p>	<p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p>	
<p><b>Student File 6:</b> Student qualified in seven of the eight areas of 525. Because there was no skill based assessment completed in all seven areas, the IEP team addressed only three of the disability areas. Therefore the IEP was not written to provide benefit in all areas of disability.</p>	<p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p>	
<p><b>Student File 12:</b> Student qualified under the disability category of 525 (oral expression) according to the standardized scores. But no skill based assessment was completed to help the IEP team determine the second prong of eligibility (does the child's disability adversely affect his/her performance in the general curriculum and does the child need a specially designed program).</p>	<p>District will need to reevaluate this student, including skill based assessment to determine prong 1 and prong 2 of eligibility, following all procedural safeguards.</p>	

<p><b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b></p>
<p><b>All non-compliance must be corrected within 1 year of this report date.</b></p>
<p><b>Date:</b></p>
<p><b>Status Report:</b></p>

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
  - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student,...
  - (a) To advance appropriately toward attaining the annual goals;
  - (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
  - (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

**ARSD24:05:28:03. Factors in determining placements.** Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:

- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

<b>Prong 1:</b>		
Through review of student records and interview, the monitoring team noted the following content was not accurately documented in IEP: how the student's disability affects his/her involvement and progress in the general education curriculum, the description of services to be provided and justification for placement in eleven files.		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student Files: 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 14,</b> The description of services was not broken out to reflect a clear description of what services the district had committed to provide. <b>Student Files: 1, 2, 3, 10</b> The district did not explain what instructional needs the student had that required the student to be removed from the general classroom. <b>Student Files: 2, 3, 4, 5, 7, 8, 9, 12, 13, 14</b> The student's present levels of academic achievement and skill based performance did not reflect how the student's disability affected the student's involvement/progress in the general curriculum.	District special education will attend IEP training  District must convene the IEP team and develop a new IEP to address all content areas of the IEP.	District will report names of staff attending the training and the date of the training.  The district will submit the following for each student 1) Prior Notice for IEP Meeting 2) IEP

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### **3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:27:08. Yearly review and revision of individual educational programs.** Each school district shall initiate and conduct IEP team meetings to periodically review each child's individual educational program and, if appropriate, revise its provisions. An IEP team meeting must be held for this purpose annually. The review shall be conducted to determine whether the annual goals for the student are being achieved. The individualized education program shall be revised, as appropriate, to address: any lack of expected progress toward the annual goals and in the general curriculum, if appropriate; the results of any reevaluation conducted; information about the student provided to, or by, the parents; the student's anticipated needs; or other matters.

**ARSD24:05:25:06. Reevaluations.** A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

**24:05:24.01:09. Developmental delay defined.** A student three, four, or five years old may be identified as a student with a disability if the student has one of the major disabilities listed in § 24:05:24.01:01 or if the student experiences a severe delay in development and needs special education and related services.

<b>Prong 1:</b> Through file review the monitoring team determined the district did not consistently meet the following timelines: 1) Annual IEP review date was missed for 1 student 2) 3 year reevaluation date was missed for 2 students 3) Reevaluating a 5 year old student prior to the student turning 6 years old was missed for 2 students		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student File: 24</b> Missed annual IEP review date	There is nothing the district can do to correct this issue.	District will submit the tracking form reflecting each student's name, age, IEP date, reevaluation date and when each is scheduled for the rest of the 2011-12 school year and the 2012-13 school year.
<b>Student Files: 5 and 15</b> Missed 3 year reevaluation date	But the district will develop a procedure that tracks annual review dates, reevaluation dates and when students will be turning 6 year old and will set up a schedule which allows sufficient time to meet each of these deadlines.	
<b>Student Files:14 and 7</b> Missed reevaluating prior to the student turning 6 years old		

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**4. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD24:05:27:15.01. IEPs for student transfers within state.** If a student with a disability, who had an IEP that was in effect in a previous school district in the state, transfers to a new school district in the state, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide FAPE to the student, including services comparable to those described in the student's IEP from the previous school district, until the new school district either:

- (1) Adopts the student's IEP from the previous school district; or
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in this chapter.

<b>Prong 1:</b> The monitoring team reviewed 4 files of students transferring into the White River School District. There was no evidence in 3 of the 4 files that the district had met to adopt the IEP as written or develop a new IEP. There was also no evidence in the file that the district reviewed the student's evaluation information to ensure the child's previous evaluation met South Dakota eligibility criteria		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
<b>Student Files: 17, 19 and 20</b>	District will receive training on the process of transfer students coming into the district.	District will submit the date of the training and the names of those attending.

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**5. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.**

**Prong 1:**

Through the child count verification process, the team determined there were 17 discrepancies between what disability category was marked on a student's IEP and what was reported on the 2010 Child Count for that student. Of these discrepancies, 8 reflected the student as having the disability category of 525 on the 2010 Child Count when in fact; the student's IEP indicated a different disability category. These discrepancies may also be a contributing factor in the district's high percent of 525 as compared to the state average.

Student:	Required Action:	Data To Be Submitted:
	District will develop policy and procedures to ensure accurate and timely data is submitted to the state.	<p>District will submit a copy of the policy and procedure.</p> <p>District will submit to team leader the following to ensure the newly developed policy and procedure is effective:</p> <ol style="list-style-type: none"> <li>1) The 2011 CC information submitted to the state office on Dec.1</li> <li>2) A copy of the front page of each student's IEP who is listed on the 2011 CC</li> </ol>

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

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### **State Performance Plan – Performance Indicators**

**Indicator 3:** Participation and Performance on Statewide Assessments

**Math:**

**C)** Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment?

**Grades K –8**

**State Target: 100%**

**District Rate: 96.1%**

District Response:

*White River did not meet the state target for participation in statewide assessment due to absenteeism. In the future the district will utilize the entire testing window to allow for student absenteeism. The district will ensure that once the student returns, test administration will be provided to the student.*

**Indicator 5: Placement of Children Age 6-21**

A) Percent of children with IEPs inside the regular class 80% or more of the day.

**State Target: 65% or higher**

**District Rate: 84.1%**

District Response:

*For the majority of the students with disabilities at White River, their needs can be met within the general classroom because the general education teacher is willing to provide accommodations according to the IEP. Teachers have been provided training to ensure accommodations are provided.*